* ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 90-39-A

John Douglas Tebera, et ux Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 and 400.1 to allow a side yard setback of 4 feet in lieu of the required 10 feet for a new addition on an existing dwelling which has a side yard setback of 9 inches and a rear yard setback for an addition of 13 feet for an existing building with a rear yard setback of 6 inches in lieu of the required 30 feet and to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard with a side yard setback of 9 inches in lieu of the required 2.5 feet respectively, in accordance with Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 3004-1/2 Hiss Avenue, consists of .264 acres +/-, is zoned D.R. 5.5, and is currently improved with a single family dwelling.

The Petitioners testified that the existing dwelling was originally constructed to serve as a carriage house, and was subsequently converted into a residential dwelling.

The Petitioners further testified that the existing shed to the rear of the lot and the existing improvement on the northwesterly side of the

PETITION FOR ZONING VARIANCE 90-39-A

4 ft. in lieu of the required 10' for a new addition on an existing dwelling which has a side yard setback of 9 inches and a rear yard setback for an addition of 13 ft. for an existing bldg with a rear yard setback of 6 inches in lieu of the req. 30 ft. for an existing accessory structure (shed) be located in the front yd. in lieu and to permit an existing accessory structure (shed) be located in the front yd. in lieu and to permit an existing accessory structure (shed) be located in the front yd. in lieu of the req. 2.5 ft. respect. The rear yard with a side setback of 9 in. in lieu of the req. 2.5 ft. respect. Indicate hardship or practical difficulty) following reasons: (indicate hardship or practical difficulty)

[Hardships] Because the existing single-family residence has only one bedroom, one bathroom, no hasoment no attic, and little closet space, we promote to add two bedrooms, another bath, a work-

basement, no attic, and little closet space, we propose to add two bedrooms, another bath, a work-

(Practical Difficulties) Because of the location of the home on the property, it is impossible to

requirement. An addition cannot be added to the west side of the building since this is the main

(Proposed Solution) The proposed plan calls for removing the existing living room in the northwest

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

John Douglas Tebera

30041 Hiss Avenue

Jeanne Christina Schmager Tebera

Baltimore, Maryland 21234

create an addition to the southwest or northwest sides without violating a side or rear setback

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoming regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

corner and creating the addition as outlined on the plat.

Property is to be posted and advertised as prescribed by Zoming Regulations.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1.B.O.2.3C.1 & 400.1 To allow a side yard setback of

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

shop, replace the existing living room, and create a basement.

AVAILABLE FOR BEARING MOR TOURS . / NED. - HERT TWO IDETES

entrace to the home and cannot be relocated.

existing dwelling will both be removed prior to the construction of the proposed addition. The Petitioners also stated that the proposed addition will have no basement.

of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the

Pursuant to the advertisement, posting of the property, and public

County this 15 day of August, 1989 to allow a side yard setback of 4 feet in lieu of the required 10 feet for a new addition on an existing dwelling which has a side yard setback of 9 inches and a rear yard setback for an addition of 13 feet for an existing building with a rear yard setback of 6 inches in lieu of the required 30 feet and to permit an existing accessory structure (shed) to be located in the front yard in lieu of the required rear yard with a side yard setback of 9 inches in lieu of the required 2.5 feet respectively, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

#495

Atlatahment Existing shed located to the south of the main structure has been in existence an inde unimable number of years and we wish to have it remain. The shed is the only storage point for lawnmawers, tooks, faint, etc. since the existing shed in the rear of the property is to be removed.

> J. Douglas Tebera 30041 Hiss Avenue Baltimore, MD 21204

February 21, 1990

County Office Building Mr. J. Robert Haines Zoning Commissioner 111 W. Chesapeake Avenue Room 109 Towson, Maryland 21204

Re: Zoning hearing 90-39-A on 8/8/89

Dear J. Robert Haines: Please contact me regarding possible zoning problems if I incorporate a basement into the design of my home addition. At the time of the hearing I had no plans for a basement, but now I am weighing the pros and cons.

Sincerely yours,

Based upon the testimony and evidence presented at the hearing, all

hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore

The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

The Petitioners shall not allow or cause the acressory structure to be converted to a second dwelling unit and/or apar ment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

> Zoning Commissioner for Baltimore County

cc: Peoples Counsel

Hay 11,1939

Beginning of the point on the northerly side of Hiss Ave at a distance of 396 feet east of the centerline of Harford Rad and known as lot 10, Plat book 2 folio 363, also known as 2004/2 Hiss Avenue in the 14th Election District.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

February 27, 1990



Dennis F. Rasmussen

Mr. J. Douglas Tebera 3004-1/2 Hiss Avenue Baltimore, Maryland 21204

RE: Case No. 90-39-A

Dear Mr. Tebera:

I am in receipt of your letter dated February 21, 1990 concerning the possible incorporation of a basement under the proposed addition. If I understand the letter correctly, you wish to place a basement under the area shown as the "Proposed two story addition footprint" on Petitioner's Exhibit No. 1.

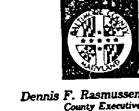
If I have interpreted your request correctly, there is no problem or prohibition with obtaining a building permit for the same setbacks for the proposed addition with or without a basement. The basement would not change the setback and area variances that you were granted.

If you have any further questions concerning this matter, please feel free to contact Mr. Carl Richards, Zoning Coordinator, 887-3391.

> Very truly yours, Klowetxhim /J. Robert Haines Zoning Commissioner

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

August 14, 1989



Mr. and Mrs. John Douglas Tebera 3004-1/2 Hiss Avenue Baltimore, Maryland 21234

> RE: Petition for Zoning Variance Case No. 90-39-A

Dear Mr. and Mrs. Tebera:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Robert Haines Robert Haines Zoning Commissioner

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District /HTh	Date of Posting 2/21/89
Posted for: The Posted for:	
Petitioner: John Dotte 155 Jebe Location of property: N/5 /453 /14., 3	77 El Harfor & Res
3004 12 Hiss Rd.	
an from forty of letitioner	, . 0 17 10 Y . 1 . 5
Remarks:	
Posted by Signature	Date of return: 7/35/24

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

Mr. & Mrs. John Douglas Tebera

Petition for Zoning Variance

Baltimore, Maryland 21234

J. Robert Haines Zoning Commissioner

3004 Hiss Avenue

DATE 7/24/89

CASE NUMBER: 9D-39-A N/S Hiss Avenue, 395'± E c/l of Harford Road 30044 Hiss Avenue 14th Election District – 6th Councilmanic Petitioner(s): John Douglas Tebera, et ux HEARING SCHEDULED: TUESDAY, AUGUST B, 1989 at 2:00 p.m. Dear Mr. & Mrs. Tebera:

Please be advised that \$114.93 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	Maryland. Bring the County Office Build- ryland fifteen (15)
DATE \$ 14189 ACCOUNT RUIGICOS U	post set(s), there t for each such set
RECEIVED JOHN DOUGLES TELECTE OT UT	
FOR: DA B 102*****11483:a 508&F	ea

VALIDATION OR SIGNATURE OF CASHIE

Verlance: to allow a side yard selback of 4 feet in fleu of the required 10 th for a new addition on an existing dwelling which has a ade yard selback of 9 inches and a rear yard selback of 9 inches and a rear yard selback for an addition of 13 feet for an existing building with a new yard selback of 6 inches in Seu of the required 30 feet and to permit an existing accessory strucker (shad) be located in the front yard in itsu of the required rear yard with a side retained 2.5 feet, respectively. In the event that this Position is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the lessance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing.

L ROBERT HAINES

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first blication appearing on July 20, 1982.

THE JEFFERSONIAN,

5. Zehe Olm

PO 13726 ver M31026

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3363 J. Robert Haines Zoning Commissioner

J. ROBERT HAINES

NOTICE OF HEARING

July 5, 1989



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 90-39-A N/S Hiss Avenue, 395'± E c/l of Harford Road 3004 Hiss Avenue 14th Election District - 6th Councilmanic Petitioner(s): John Douglas Tebera, et ux HEARING SCHEDULED: TUESDAY, AUGUST 8, 1989 at 2:00 p.m.

Variance: To allow a side yard setback of 4 feet in lieu of the required 1D ft. for a new addition on an existing dwelling which has a side yard setback of 9 inches and a rear yard setback for an addition of 13 feet for an existing building with a rear yard setback of 6 inches in lieu of the required 30 feet and to permit an existing accessory structure (shed) be located in the front yard in lieu of the required rear yard with a side setback of 9 inches in lieu of the required 2.5 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

> J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

90-39-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
owson, Maryland 21204

Your petition has been received and accepted for filing this 31st day of Hay , 19 89

Chairman, Zoning Plans Petitioner's Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 31, 1989

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Burrau of Engineering

Department of

Bureau of

Industrial Development

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Traffic Engineering

State Roads Commission

Mr. & Mrs. John D. Tebera 3004 1/2 Hiss Avenue Baltimore, MD 21234

RE: Item No. 495, Case No. 90-39-A Petitioner: John D. Tebera, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Tebera:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINLARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: July 26, 1989

Pat Keller, Deputy Director Office of Planning and Zoning

John D. Tebera, Item 4953 SUBJECT: Zoning Petition No. 30-39-A

The petitioner requests a variance to allow a side yard setback of 4 feet in lieu of the required 10 feet in order to provide an addition to an existing dwelling. The existing building has a side yard setback of 9 inches and a rear yard setback for an addition of 13 feet. The petitioner also requests an existing structure (shed) be located in the front yard in lieu of the required back yard with a side yard setback of 9" in lieu of the required 2.5 feet, respectively. In reference to this request, staff offers the following comments:

The new addition will increase existing setback non-conformities, thereby making the proposal questionable. This office has no objection to this proposal provided the new addition is architecturally compatible with surrounding properties, and the existing building, and the neighbors have no objections.

PK/sf

Baltimore County Fire Department 800 York Road Towson, Maryland 21204 2586 (301) 887-4500

Location:

Paul H. Reincke June 1, 1989

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

John Douglas Tebera RE: Property Owner:

N.S. of Hiss Avenue, 396' (+ or -) E of

centerline of Harford Road

Zoning Agenda: May 30, 1989 Item No.: 495

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property. 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988

Special Inspection Division

edition prior to occupancy.

JK/ker

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

June 6, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 487, 488, 489, 491, 492, 451, 495, 496, 497, 498, and 499.

3004

PETITIONERS
EXHIBIT 1

LOT 22 LOT 23 LOT 24 LOT 25 EXISTING DWELLING EXISTING DWELLING EXISTING DWELLING PEXISTING SHED TO BE REMOVED PROPOSED TWO STORY APPITION FOOTPRINE -EXISTING SINGLE-STORY IMPROVEMENT TO BE REMOVED EXISTING DWELLING PROPOSED MAIN ENTERANCE EXISTING
3004 1/2
HISS AVE. -EXISTING SHED PUTTY HILL SUBJECT PROPERTY EXISTING GARAGE VICINITY MAP EXISTING ZWELLING PLAT FOR ZONING VARIANCE OWNER - DOUG & JEANNE TEBERA DISTRICT 14 ZONED D.R. 5.5

3004 1/2 HISS AVE.

BALTIMORE, MD 21234

EXISTING UTILITIES IN HISS AVE.

LOT 10, PLATBOOK 2, FOLIO 363

LOT SIZE: 12,542.4 SQ. FT.

0.264 ACRES LOT 11 HISS AVE. (36'WE, LID R/W ON LIE SIDE OF R/W ON SW SIDE) 396± TO C OF HARFORD ROAD PLAT AND SURROUNDING PROPERTIES

SCALE: 1 20'-0"

VARIANCE ZONING FOR AT

DATE: MAY 11,1989